

**PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney's Docket No. 49737.24

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

31281 U.S.PTO  
10/715152  
  
111703

**NEW APPLICATION TRANSMITTAL**

Transmitted herewith for filing is the patent application of:

Inventor(s): Leo J. Yodock, III; Leo J. Yodock, Jr.; Guy C. Yodock

For (title): BARRIER DEVICE WITH FOAM INTEIOR

**1. Type of Application**

This new application is for a(n)

- Original (nonprovisional)
- Divisional
- Continuation
- Continuation-in-part (C-I-P)

**CERTIFICATION UNDER 37 CFR 1.10**

I hereby certify that this New Application Transmittal and the documents referred to as attached therein are being deposited with the United States Postal Service on this date November 17, 2003 in an envelope as "Express Mail Post Office to Addressee" service under 37 CFR 1.10, Mailing Label Number EL626320207US addressed to:

Commissioner for Patents, Mail Stop Patent Application, P.O. Box 1450, Alexandria, VA 22313-1450.

Lillian Pillitteri  
(type or print name of person mailing paper)  
Lillian Pillitteri  
(signature of person mailing paper)

NOTE: Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. (37 CFR 1.10(b))

**2. Relate Back – 35 U.S.C. 120**

Amend the specification by inserting before the first line the sentence:

"This is a

continuation

continuation-in-part

divisional

of copending application(s)

Serial No. 10/042,011 filed on October 18, 2001 which claims priority under 35 U.S.C. §120

International Application \_\_\_\_\_ filed on \_\_\_\_\_ and which designates the U.S.

**3. Papers Enclosed**

24 page(s) of specification

5 page(s) of claims

1 page(s) of abstract

5 sheet(s) of drawings

The enclosed drawing(s) are photograph(s), and there is also attached a "PETITION TO ACCEPT PHOTOGRAPH(S) as DRAWING(S)." 37 C.F.R. 1.84(b).

formal

informal

4 pages of declaration and power of attorney

other

**4. Additional papers enclosed**

Amendment to claims

- Cancel in this application original claims \_\_\_\_\_ before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
- Add the claims shown on the attachment amendment. (Claims added have been numbered consecutively following the highest numbered original claims.)
- Preliminary amendment
- Petition for Extension of Time Under 37 CFR 1.136(a)
- Information Disclosure Statement (37 C.F.R. 1.98)
- Form PTO-1449 (PTO/SB/08A and 08B)
- Citations
- Declaration of Biological Deposit
- Submission of "Sequence Listing," computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.
- Authorization of Attorney(s) to Accept and Follow Instructions for Representative
- Special Comments
- Other

**5. Declaration or oath (including power of attorney)**

- Enclosed
- Executed by:
  - inventor(s).
  - legal representative of inventor(s). 37 C.F.R. 1.42 or 1.43.  
joint inventor or person showing a proprietary interest on behalf of inventor who refused to sign or cannot be reached
  - This is the petition required by 37 C.F.R. 1.47 and the statement required by 37 C.F.R. 1.47 is also attached. See item 13 below for fee.

Not enclosed.

**6. Inventorship Statement**

The inventorship for all the claims in this application are:

the same

**OR**

Not the same. An explanation, including the ownership of the various claims at the time the last claimed invention was made,

is submitted.

will be submitted.

**7. Language**

English

Non-English

The attached translation includes a statement that the translation is accurate. 37 C.F.R. 1.52(d).

**8. Assignment**

An assignment of the invention to \_\_\_\_\_ is attached. A separate "COVER SHEET FOR ASSIGNMENT (DOCUMENT) ACCOMPANYING NEW PATENT APPLICATION" or FORM PTO 1595 is also attached.

will follow.

**9. Certified Copy(ies) of Application(s)**

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{country}

{appln. no.}

{filed}

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{country}

{appln. no.}

{filed}

from which priority is claimed

is (are) attached.

will follow.

10.  Pursuant to 35 U.S.C. 122(b)(2), Applicant hereby requests that this patent application not be published pursuant to 35 U.S.C. 122(b)(1). Applicant hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing of the application.

11.  Applicant requests voluntary publication as soon as practicable and prior to eighteen months from earliest U.S. filing date.

## **12. Fee Calculation (37 CFR 1.16)**

- ## A. Regular Application

CLAIMS AS FILED					
Number Filed		Number Extra	Rate	Basic Fee	
		37 CFR 1.16(a)			
					\$770.00
Total					
Claims (37 CFR 1.16(c))	10 - 20	= 0	X	\$ 18.00	00.00
Independent					
Claims (37 CFR 1.16(b))	2 - 3	= 0	X	\$ 86.00	00.00
Multiple dependent claims(s), if any (37 CFR 1.16(d))		+ \$290.00			

Fee for Extra claims not being paid at this time. (37 CFR 1.16(d))

## Filing Fee Calculation \$770.00

- B.  Design application  
(\$340.00 - 37 CFR 1.16(f))

## Filing Fee Calculation \$

- C.  Plant application  
(\$530.00 - 37 CFR 1.16(g))

## Filing Fee Calculation \$770.00

**13. Small Entity Status**

- Payment of small entity fee as assertion of entitlement to small entity status pursuant to 37 C.F.R. § 1.27(c)(3)
- Status as a small entity was claimed in prior application 10/042,011, filed on October 18, 2001 from which benefit is being claimed for this application under:

35 U.S.C.  119(e),  
120,  
121,  
365(c),

and which status as a small entity is still proper and desired.

Fee Calculation (50% of A, B or C above) \$ 385.00

**14. Request for International-Type Search (37 CFR 1.104(d))**

- Please prepare an international-type search report for this application at the time when national examination on the merits takes place.

**15. Abandonment of Prior Application**

- Please abandon the prior application at a time while the prior application is pending, or when the petition for extension of time or to revive in that application is granted, and when this application is granted a filing date, so as to make this application copending with said prior application.

**16. Petition for Suspension of Prosecution for the Time Necessary to File an Amendment**

- There is provided herewith a Petition to Suspend Prosecution for the Time Necessary to File an Amendment (New Application Filed Concurrently)

**17. Notification In Parent Application of this Filing**

- A notification of the filing of this
  - continuation
  - continuation-in-part
  - divisional

is being filed in the parent application, from which this application claims priority under 35 USC § 120.

**18. Fee Payment Being Made At This Time**

Not enclosed

No filing fee is to be paid at this time.

Enclosed

filing fee \$ 385.00

Petition for Extension of Time Under  
37 CFR 1.136(a) \$ 475.00

voluntary publication \$ \_\_\_\_\_

recording assignment  
(\$40.00); 37 CFR 1.21(h) \$ \_\_\_\_\_

petition fee for filing by other  
than all the inventors or persons  
on behalf of the inventor where  
inventor refused to sign or  
cannot be reached. (\$130.00;  
37 CFR 1.47 and 1.17(h)) \$ \_\_\_\_\_

for processing an application  
with a specification in a non-  
English language. (\$130.00;  
37 CFR 1.52(d) and 1.17(k)) \$ \_\_\_\_\_

processing and retention fee.  
(\$130.00; 37 CFR 1.53(d) and  
1.21(l)) \$ \_\_\_\_\_

fee for international-type search  
report. (\$40.00; 37 CFR 1.21(e)) \$ \_\_\_\_\_

**TOTAL FEES ENCLOSED** \$ 385.00  
\$ 475.00

**19. Method of Payment of Fees**

Check(s) in the amount of \$385.00 and \$475.00.

Charge Account No. 08-2625 in the amount of \$\_\_\_\_\_. A duplicate  
of this transmittal is attached.

**20. Authorization to Charge Additional Fees**

- The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Account No. 08-2625. A duplicate of this transmittal is attached.
- 37 CFR 1.16(a), (f) or (g) (filing fees)
- 37 CFR 1.16(b),(c) and (d) (presentation of extra claims)
- 37 CFR 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)
- 37 CFR 1.17(a)(1)(5) (extension fees pursuant to § 1.136(a))
- 37 CFR 1.17 (application processing fees)
- 37 CFR 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 CFR 1.311(b))

**21. Instructions as to Overpayment**

- Credit Account No. 08-2625.
- Refund

Respectfully submitted,

HOLLAND & KNIGHT LLP

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